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Wayne



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Fillmore Field Office

95 East 500 North

Fillmore, UT 84631

<http://www.blm.gov/ut/st/en/fo/fillmore.html>



RECEIVED

OCT 10 2014

DIV. OF OIL, GAS & MINING

IN REPLY REFER TO:
3809 (UTW02000)
UTU-85667

September 30, 2014

CERTIFIED MAIL# 7012 3460 0000 6633 2490
RETURN RECEIPT REQUESTED

DECISION

Michael and Sandra Sprunger :
P.O. Box 369 : 43 CFR 3809 - Surface Management Plan
Oak City, Utah 84649 : UTU-85667
:

Plan of Operations Approved – Determination of Required Financial Guarantee Amount

Your proposed Plan of Operations for locatable mining of topaz and associated minerals was received by the Fillmore Field Office (FFO) of the Bureau of Land Management (BLM) on January 9, 2014. Additional information was requested and received subsequently. Your proposed Plan of Operations site is located in the NE¼ of section 30, Township 11 South, Range 11 West; Salt Lake Meridian (SLM). Your pending Plan of Operations (Plan) has been previously assigned BLM case file number UTU-85667. Please refer to this number in future correspondence. The corresponding Utah Division of Oil, Gas and Mining (UDOGM) case file number is S/023/0057.

Your Plan for the Cubical #2 Mine, UTU-85667, is hereby approved. No expansion of existing surface disturbances is expected. Any increase in surface disturbance area would require prior approval by the BLM through a Plan Amendment and additional environmental analyses. Required mitigation measures and stipulations are included in the Environmental Assessment (EA), DOI-BLM-UT-W020-2010-022-EA, which has been prepared by FFO staff in order to comply with the BLM's responsibility to meet the requirements of the National Environmental Policy Act (NEPA). Copies of the EA, Finding of No Significant Impact (FONSI), and the Decision Record (DR) are included with this letter.

Your Plan of Operations proposes to mine an existing small legacy open pit on BLM land. The

pit was mined before 2006, in compliance with regulations at that time, under legacy exploration Notice UTU-70641. That Notice expired on April 22, 2006. Approval of your Plan of Operations will allow resumption of mining activity within the existing surface disturbance area. As required by the Code of Federal Regulations (CFR) in 43 CFR §3809.311, the BLM has determined that your Plan of Operations contains the complete minimum information required for approved mining activity.

When a buffer zone around the open pit is included in the surface disturbance area, the total existing surface disturbance is approximately 2.17 acres. The Cubical #2 Pit occupies 0.46 acres and the single-purpose segment of the access road is 5,596 feet (1706 meters) in length. If the road is assumed to be 10-feet wide, then the road surface disturbance occupies 1.28 acres.

The proposed open-pit mining must cause no damage to historic properties that might be eligible for inclusion in the National Register of Historic Places. Any damage to such properties would constitute a violation of the Archaeological Resources Protection Act of 1979, and be punishable according to the provisions of that law. If any cultural material is encountered, you are required to stop operations at that location immediately and report the finding to the BLM Authorized Officer.

Amount of Financial Guarantee – As specified in 43 CFR §3809.203(d), the amount of the financial guarantee must be based upon completion of both Federal and State reclamation requirements. The financial guarantee for both Federal and State requirements may be held as one instrument, but the BLM must concur in the approval, release, or forfeiture of a financial guarantee for surface disturbances on federally managed lands.

This office has calculated a cost estimate, and will consult with UDOGM to update the financial guarantee; BLM has determined that the amount of \$10,138.00 is the minimum amount sufficient to meet all anticipated reclamation requirements for the open pit and approximately 5,596-feet of single-purpose two-track road located on BLM lands. Any modifications or degradation to unmaintained dirt or two-track roads must be repaired or reclaimed upon conclusion of the mining project. UDOGM may require an additional reclamation bond amount in consultation with the BLM. The amount of the reclamation cost estimate is based on operator compliance with all applicable operation and reclamation requirements.

Authorization for this project must also be received from UDOGM of the State of Utah before you may proceed with mining activities. An additional financial guarantee amount may be required by UDOGM for State-regulated activities on BLM lands. The BLM supports and concurs with any additional amount to be required by UDOGM under State of Utah regulations.

A financial guarantee of \$1,110.00 has been previously accepted as a reclamation bond for expired Notice UTU-70641, and that amount may be transferred and included as part of the reclamation bond for the Plan of Operations. Please also contact UDOGM, however, for information about any additional reclamation bond requirements as determined by that agency.

BLM's decision concerning the amount of the required financial guarantee does not relieve you, the operator, of your responsibility to be in compliance with all applicable Federal, State and

local laws and regulations, and to obtain all applicable Federal, State and local authorizations and permits. You are responsible for preventing any unnecessary or undue degradation of public lands and resources, and for reclaiming all lands disturbed by your operations.

Required Financial Guarantee – A financial guarantee for the minimum total amount of \$10,138.00 must be acknowledged and accepted by the UDOGM or the Utah State Office of the BLM, 440 West 200 South, Suite 500, Salt Lake City, Utah 84101-1345. This minimum amount is required for activities on BLM lands and does not include any additional financial guarantee amounts to be required by UDOGM. You must receive written notification from both offices accepting and obligating your financial guarantee before you may engage in surface-disturbing operations.

The types of financial instruments that are acceptable to the BLM are found at 43 CFR §3809.555. Please contact Opie Abeyta, Land Law Examiner at the BLM Utah State Office, at (801) 539-4123 for further information on the adjudication of financial guarantees.

This decision does not constitute certification of ownership to any entity named in the Notice, recognition of the validity of any associated mining claims; or recognition of the economic feasibility of the proposed operations.

Appeal of the Decision Determining the Required Financial Guarantee Amount - If you do not agree and are adversely affected by this decision, in accordance with 43 CFR §3809.804, you may request that the BLM Utah State Director review this decision. If you request a State Director review, the request must be received in the BLM Utah State Office, 440 West 200 South, Suite 500, Salt Lake City, Utah 84101-1345, no later than 30 calendar days after you receive this decision. A copy of the request must also be sent to this office. The request must be in accordance with the provisions provided in 43 CFR §3809.805. If a State Director review is requested, this decision will remain in effect while the State Director review is pending, unless a Stay is granted by the State Director. Standards for obtaining a Stay are given below. If you request a Stay, you have the burden of proof to demonstrate that a Stay should be granted.

If the State Director does not make a decision concerning your request for review of this decision within 21 days of BLM's receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You may contact the BLM Utah State Office to determine when BLM receives the request for State Director Review. You have 30 days from the end of the 21 day period in which to file your notice of appeal with the IBLA (see procedures below). If you wish to bypass a State Director review, this decision may be appealed directly to the IBLA in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in the Fillmore Field Office (FFO) at 95 East 500 North, Fillmore, Utah 84631 within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 for a Stay of the effectiveness of this decision during the time that your appeal is being reviewed by the IBLA, the petition for a Stay must accompany your notice of appeal. A petition for a Stay is required to show sufficient

justification based on the standards listed below. Copies of this notice of appeal and petition for a Stay must also be submitted to each party named in the decision, to the IBLA, and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a Stay, you have the burden of proof to demonstrate that a Stay should be granted.

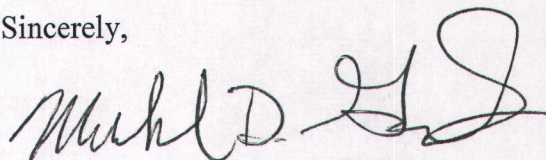
Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a Stay of a decision pending appeal shall show sufficient justification based on the following standards:

- The relative harm to the parties if the stay is granted or denied
- The likelihood of the appellant's success on the merits
- The likelihood of immediate and irreparable harm if the Stay is not granted
- Whether the public interest favors granting the Stay

If you have any questions, please contact Duane Bays, BLM FFO Natural Resource Specialist, at (435) 743-3115.

Sincerely,



Michael D. Gates
Field Manager

Enclosures: Form 1842-1
Form 3809-5
BLM Reclamation Cost Estimate (RCE)
Environmental Assessment (EA)
Finding of No Significant Impact (FONSI)
Decision Record (DR)

cc:

Paul Baker
UDOGM
1594 W North Temple Ste 1210
Salt Lake City, UT 84114

Utah State Office/ BLM
440 West 200 South, Suite 500
Salt Lake City, UT 84101-1345

Actual Road Length is 1706 meters (5596 feet)
 * Assumption: Road is 10 ft. wide, rather than 14 ft. (on reverse), for "mine access only" road segment.

July 18, 2014		Notice Level Exploration Reclamation Cost Model				SRCE 2011 Cost Data Version 3.2			
		From SRCE Cost Data with Acreage Calculators							
		UTU-85667 - Sprunger Mine - Small Mine Plan of Operations							
Linear Feet of Road On a Side Slope	Linear Feet		Labor Cost	Manpower	Equipment	Materials	Cost/Linear Foot	Road Reclamation	
<30%	3,397 *	Recontouring Cost <30%	\$369	\$0.11	\$0.14	\$0.00	\$0.25	\$832	
>30%		Recontouring Cost >30%	\$0	\$0.31	\$0.39	\$0.00	\$0.70	\$0	
								Pad& Sump Reclamation	
Drill Sites and Sumps	Number			Manpower	Equipment	Materials	Cost each		
Drill Sites < 30% slopes		Recontouring Cost	\$0	\$36.60	\$45.40	\$0.00	\$82.00	\$0	
Drill Sites > 30% slopes		Recontouring Cost	\$0	\$117.20	\$145.80	\$0.00	\$263.00	\$0	
Drill Sites Cross Country		Ripping Cost	\$0	\$12.40	\$29.20	\$0.00	\$41.60	\$0	
Sumps	0	Recontouring Cost	\$0	\$22.67	\$28.20	\$0.00	\$50.87	\$0	
	Linear Feet			Manpower	Equipment	Materials	Cost/Linear Foot		
Trenches	1,435	Recontouring Cost	\$1,449	\$1.01	\$1.67	\$0.00	\$2.68	\$3,846	
Cross Country Travel		Ripping Cost	\$0	\$0.01	\$0.03	\$0.00	\$0.04	\$0	
	Slope Acres			Manpower	Equipment	Materials	Cost/Acre		
Total Revegetation Acres	2.19	Revegetation Cost	\$184	\$83.94	\$72.10	\$332.75	\$488.79	\$1,073	
				Manpower	Equipment		Mob+Demob		
150 miles Mobilization		Mobilization Cost-excavator	\$667	\$666.54	\$782.46		\$1,449.00	\$1,449	
150 miles Mobilization		Mobilization Cost-dozer	\$447	\$447.30	\$617.70		\$1,065.00	\$1,065	
Drill Holes Open	#/Feet			Manpower	Equipment	Materials	Cost/Foot	Drill Hole Plugging	
Feet of Open Holes - Wet		Plugging Cost - Wet	\$0	\$0.46	\$1.14	\$0.55	\$2.15	\$0	
Feet of Open Holes - Dry		Plugging Cost - Dry	\$0	\$0.52	\$0.24	\$0.05	\$0.81	\$0	
Feet of Casing to Pull		Pulling Casing	\$0	\$1.80	\$4.45	\$0.00	\$6.25	\$0	
				Manpower	Equipment		Mob+Demob		
150 miles Mobilization		Mobilization Cost - Wet	\$0	\$1,123.92	\$1,998.08		\$3,122.00	\$0	
150 miles Mobilization		Mobilization Cost - Dry	\$0	\$692.25	\$372.75		\$1,065.00	\$0	
Disturbance Type	Total Acres	Total Linear Feet	Slope Acres					Total Reclamation Cost	
Roads	1.38	3,397	1.40					\$8,265	
Drill Sites	0.00		0.00						
Sumps	0.00		0.00						
Trenches	0.79	1,435	0.79						
Cross Country	0.00	0	0.00					Total Labor	
total Notice acres	2.17	total slope acres	2.19					\$3,116	
green cells with blue font is for user input		Contingency*				10% Total Reclamation Cost		\$0	
yellow cells are unit costs		Insurance				1.5% Labor Cost		\$47	
black font cannot be changed		Perf. And Payment Bonds*				3% Total Reclamation Cost		\$0	
red font are calculated values with formulas		Contractor Profit				10% Total Reclamation Cost		\$826	
that can not be changed		Contract Administration				10% Total Reclamation Cost		\$826	
		Indirect Costs				21% of Contract Administration Cost		\$174	
								Total Administration Cost	
								\$1,873	
			Cost per acre			Financial Guarantee			
			\$4,677			Amount		\$10,138	

* Contingency and Performance and payment Bonds required only if total reclamation cost > \$100,000

* Assumption: Road is 10 ft. wide, rather than 14 ft. (on reverse). Actual Road Length is 1706 meters (5596 feet) for "mine access only" road segment.

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